

UNITED STATES DISTRICT COURT

for the

District of New Mexico



FILED

United States District Court
Albuquerque, New MexicoMitchell R. Elfers
Clerk of Court

In the Matter of the Search of _____
 (Briefly describe the property to be searched
 or identify the person by name and address)
)
 The Person of Patricia VILLANUEVA (YOB 1981)
)
)
) Case No. MR 24-885

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, attached and fully incorporated herein by reference

located in the _____ District of New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, attached and fully incorporated herein by reference

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C 844(i)	Arson

The application is based on these facts:

See affidavit, attached and fully incorporated herein by reference.

- Continued on the attached sheet.
- Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature

Jean-Lucien Souvenir, U.S. Postal Inspector

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
 telephonically sworn and electronically signed _____ (specify reliable electronic means).

Date: May 8, 2024


Judge's signature

City and state: Albuquerque, New Mexico

Laura Fashing, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF AN APPLICATION
UNDER RULE 41 FOR A WARRANT TO
SEARCH AND SEIZE

I, Jean-Lucien Souvenir, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the body of Patricia VILLANUEVA (born in 1981) as more fully described in Attachment A, to collect deoxyribonucleic acid (DNA) samples by way of buccal swabs as more fully described in Attachment B. I believe VILLANUEVA's DNA may be present on an item that was submitted for DNA testing, specifically, remnants of a partly burned sponge/cloth like material used in the arson of a postal vehicle, committed on or about October 22, 2023.

2. This Affidavit is made for the limited purpose of establishing probable cause VILLANUEVA committed a violation of 18 U.S.C. § 844(i) and does not set forth all my knowledge about this matter.

AFFIANT TRAINING AND EXPERIENCE

3. I am a United States Postal Inspector and have been so employed since July 2019. I am assigned to the Phoenix Division, Albuquerque Domicile, Albuquerque, New Mexico. One of my responsibilities is to investigate crimes involving the United States Postal Service (USPS). I have been trained to work on numerous federal criminal investigations. Prior to my appointment as a U.S. Postal Inspector, I served as a Criminal Investigator with the United States Marshals Service in El Paso and San Antonio, Texas, for nine years. I hold a bachelor's degree in psychology with a minor in Criminal Justice from Florida International University in Miami, Florida. During my career as a federal law enforcement officer, I have participated in the investigations of crimes of violence, financial crimes, robberies, burglaries, and drug trafficking investigations.

4. I know from my training and experience DNA is a critical component of modern police work. I have received training on how DNA samples should be collected, as well as how DNA samples can be used to solve crimes. Furthermore, I have participated in the collection of DNA samples as a component of my investigatory work.

5. Through my training and experience, I am aware that human saliva and droplets of human sweat contain DNA, which can be used to help identify an individual, and that DNA from human saliva or sweat droplets can potentially be recovered and used to help identify an individual, after the individual comes in contact with a surface or an object.

PROBABLE CAUSE

6. On or about June 5, 2023, several homeless individuals were sleeping in the 24-hour lobby of the Portales, New Mexico U.S. Post Office, including the defendant, Patricia Villanueva (VILLANUEVA). Also, around that time, an employee of the post office ousted the individuals from the lobby due to the deteriorating condition of the lobby area, and vandalism to the lobby including a fire that had been set to the post office's bulletin board.

7. On October 23, 2023, the Postmaster notified me of an arson incident involving a U.S. Postal Service Long-Life Vehicle (LLV). According to the Postmaster, someone inserted a piece of cloth into the fuel tank of the LLV and lit the cloth on fire. The fuel cap, fuel door, and the surrounding area near the fuel tank were burned. The LLV was last used on Saturday October 21, 2023. At approximately 4:00 PM, the assigned U. S. Postal Service (USPS) letter carrier parked the LLV in the Portales, New Mexico Post Office parking lot.

8. I contacted the Roosevelt County Electric Cooperative (RCEC). The RCEC building is located next to the post office and has several cameras around its property to include cameras facing the post office's parking lot where the LLV was parked. My review of the footage obtained from RCEC revealed on Sunday, October 22, 2023, a dark, gray, older model vehicle, later identified as a Chevrolet Malibu (the Malibu) was driving around the post office. The Malibu

had the following distinguishing features: New Mexico Chili license plate, dark tinted windows, black rims, broken/missing part of the front bumper, and faded roof.

9. RCEC cameras captured the Malibu traveling on Main Street on the day in question. At approximately 12:12 PM, the Malibu turned right on W. Commercial Street and made a left on Avenue A. At approximately 12:19 PM, the Malibu was seen exiting the alley between RCEC and the post office, onto Main Street.

10. I also reviewed video footage from High Supply Cannabis Shop. The cameras from the shop face Main Street and the alley shared by the post office and RCEC. Footage from the shop's cameras captured the Malibu's line of travel. The line of travel was the same captured by RCEC cameras. The Malibu entered the postal property from an alley off Avenue A. The Malibu was then parked next to the LLV. The unidentified driver exited the Malibu and walked towards the LLV. The driver was seen doing this twice. The Malibu left a few minutes later.

11. I also reviewed surveillance footage from the county courthouse. The footage showed the Malibu turn left on Avenue A and enter the parking lot of another business located behind the post office. The Malibu is seen three to four minutes later entering the alley between RCEC and the post office. The Malibu is seen again about two minutes later leaving the post office parking lot and exiting the alley. The departure time was around 12:19 PM. Its line of travel showed it was headed towards Main St. The angle from the cameras didn't capture the incident, but showed the Malibu driving past the parking lot of the post office where the LLVs were parked.

12. On October 25, 2023, Detective J. Hall of the Portales Police Department (PPD) and I were patrolling the city in connection with this investigation, and saw the Malibu depicted in the videos. The Malibu was operated by an unknown Hispanic female wearing glasses. A license plate check revealed the vehicle was registered to Mireya Valdez. Records checks on Valdez revealed she was in custody in Grants, New Mexico.

13. During mobile surveillance, I observed the Malibu parked at 1402 S Avenue J, in Portales. There was a female sitting in the driver's side of the vehicle whose face could not be seen, and a Caucasian male standing in the driveway (SOI #1).

14. On October 26, 2023, Postal Inspector C. Castro and I interviewed SOI #1 and asked SOI #1 about the woman seen with SOI #1 the previous day in the driveway. SOI #1 stated SOI #1 didn't really know her. SOI #1 stated SOI #1 was at the house visiting SOI #1's friend. SOI #1 was asked if SOI #1 knew her name. SOI #1 said SOI #1 thought her name was "Patricia." SOI #1 didn't know her last name. SOI #1 indicated Patricia was also visiting the same friend. SOI #1 was asked about the arson, and SOI #1 denied any knowledge or involvement.

15. I asked Detective Hall if he knew anyone named Patricia, and he stated that the only Patricia in town he knows of is Patricia VILLANUEVA. I conducted a criminal history check which revealed VILLANUEVA's lengthy criminal history, including a 2019 arrest for arson; a charge that was ultimately dismissed. While reviewing VILLANUEVA's criminal history, I observed some of VILLANUEVA's booking photographs, and her driver's license photograph. VILLANUEVA resembled the woman I saw operating the Malibu on October 25, 2023, in Portales.

16. On November 2, 2023, I interviewed SOI #2. SOI #2 stated on Saturday October 21, 2023, at approximately 3:00 PM, SOI #2 saw VILLANUEVA and an unidentified male parked at a business which faces RCEC. SOI #2 stated SOI #2 knew it was VILLANUEVA because SOI #2 knows her. SOI #2 was shown a photo of VILLANUEVA and stated it was her.

17. SOI #2 indicated the hood of the car VILLANUEVA was in was open as if her and the unknown male were working on it. SOI #2 provided a description of the vehicle. The description SOI #2 provided matched the description of the Malibu. A picture of the Malibu was shown to SOI #2 who confirmed it was the vehicle SOI #2 saw VILLANUEVA in the day prior to the arson of the LLV.

18. SOI #2 didn't know who the vehicle belonged to. After telling SOI #2 the registered owner was Valdez, SOI #2 stated SOI #2 knew who Valdez was, and stated Valdez and VILLANUEVA are friends. SOI #2 was shown a photo of Valdez and confirmed it was her.

19. On November 6, 2023, Inspector Castro and I interviewed SOI #3.

20. SOI #3 stated VILLANUEVA is SOI #3's friend. SOI #3 last saw her on November 1, 2023. SOI #3 indicated VILLANUEVA visits SOI #3 twice a week. SOI #3 also indicated she had a car but when SOI #3 last saw her, she walked over to SOI #3's house. SOI #3 stated VILLANUEVA'S car was towed from Eastern New Mexico University (ENMU) campus two weeks prior. SOI #3 was asked to describe the car. The description SOI #3 provided was consistent with the description of the Malibu. SOI #3 was shown a photo of the Malibu and acknowledge that it was VILLANUEVA's car. SOI #3 stated VILLANUEVA doesn't allow anyone to drive the car. SOI #3 further stated the vehicle's back seat is full of clothes and other belongings. SOI #3 believes VILLANUEVA may be living out of the vehicle.

21. Inspector Castro and I went to the ENMU Police Department (ENMUPD) to confirm SOI #3's account of VILLANUEVA's vehicle being towed from the campus. Inspector Castro and I were assisted by J. Tweedy, ENMUPD Support Specialist; and C. Baker, ENMUPD Captain. Captain Baker was able to confirm that VILLANUEVA's vehicle was towed from the campus on October 26, 2023. He also provided me with a copy of the footage from the lapel video Officer A. Torres was wearing when he encountered VILLANUEVA.

22. The lapel video showed that VILLANUEVA was approached by Officer Torres. She was in the Malibu and was using the electrical outlet of the post office at the ENMU campus to charge a car battery. VILLANUEVA identified herself to Officer Torres as the owner of the Malibu. She matched the description of the Hispanic woman Detective Hall, and I observed operating the Malibu on October 25, 2023. VILLANUEVA told Officer Torres that the vehicle belonged to her, but she needed to change the title to her name because the original owner was in jail. Officer Torres ran the license plate, which showed Mireya Valdez as the registered owner.

Records checks conducted on VILLANUEVA revealed that she didn't have a valid driver's license. Records checks conducted on the Malibu revealed the vehicle was not registered and had no insurance.

23. Inspector Castro and I traveled to A5 Towing Yard, located at 8201 NM-206, Portales, NM., 88130, and captured photos of the Malibu. The vehicle was full of personal belongings which could be seen through the windows. The Malibu was the same vehicle seen on surveillance footage from three separate businesses the day that the LLV was set on fire at the Portales post office. The Malibu was also the same vehicle Detective Hall, and I observed VILLANUEVA operating on October 25, 2023, and the same vehicle I saw parked at SOI #3's residence that same day.

24. In the afternoon of November 6, 2023, I was notified by Roosevelt County Sheriff's Office (RCSO) Deputy J. Bonner that VILLANUEVA attempted to get the vehicle out of the towing yard. Since the vehicle is not registered to her and she is not able to provide proof of ownership, the vehicle was not released. A hold has been placed on the vehicle by Deputy Bonner.

25. On January 9, 2024, I removed a partly burned sponge/cloth like material from the fuel compartment of the LLV. This material was inserted into the fuel tank and set ablaze. I preserved the evidence and submitted it to the New Mexico State Police Forensic Laboratory for DNA Analysis.

26. On January 18, 2024, the Honorable Gregory Fouratt, U.S. Magistrate Judge, issued a warrant to VILLANUEVA for DNA for evidence of this crime in case number 24-MR-115. However, I was not able to locate VILLANUEVA and execute the DNA warrant within 14 days.

27. On February 8, 2024, the Honorable Barbara Smith Evans, U.S. Magistrate Judge, issued a complaint and arrest warrant for VILLANUEVA based on the facts in this affidavit. On February 15, 2024, VILLANUEVA was arrested at the Eastern New Mexico

University (ENMU) while attempting to close her PO Box at the campus Post Office and held in the custody of the U.S. Marshals.

28. On February 8, 2024, the Honorable Barbara Smith Evans, U.S. Magistrate Judge, issued a complaint and arrest warrant for VILLANUEVA based on the facts in this affidavit. On February 15, 2024, VILLANUEVA was arrested based on the federal arrest warrant by campus police officers at the Eastern New Mexico University (ENMU) while attempting to close her PO Box at the campus Post Office. On February 16, 2024, I travelled to Portales, NM, and transported her to Roswell, NM for her initial appearance. VILLANUEVA was remanded into the custody of the U.S. Marshals.

29. On Saturday, February 17, 2024, the Honorable Laura Fashing, U.S. Magistrate Judge, issued a warrant to search VILLANUEVA for DNA for evidence of this crime in case number 24-MR-319. On February 20, 2024, the government moved to dismiss the criminal case against VILLANUEVA, and she was released from federal custody. VILLANUEVA was released before I was able to execute the warrant to obtain her DNA, and after she was released, I was not able to locate her and execute the warrant within 14 days.

30. On May 8, 2024, I spoke to Detective Hall to confirm VILLANUEVA's whereabouts. Detective Hall stated VILLANUEVA is currently in custody and has been charged with arson. Detective Hall will be providing a copy of his report and exhibits regarding this new charge.

31. Because there is probable cause to believe VILLANUEVA committed the arson of the postal vehicle on or about October 22, 2023, and therefore possessed the partly burned sponge/cloth like material found in the fuel compartment of the LLV after the fire, there is also probable cause to believe that VILLANUEVA's DNA will be found on pieces of evidence collected in this investigation. Therefore, there is probable cause to collect a DNA sample from

VILLANUEVA via buccal swab to compare it with samples collected from the lawfully seized evidence in this case.

CONCLUSION

32. I submit that this affidavit supports probable cause to believe VILLANUEVA committed a violation of 18 U.S.C. § 844(i) and the DNA samples sought in this warrant will provide evidence of those violations. Therefore, I am seeking authorization under Rule 41 of the Federal Rules of Criminal Procedure to collect a DNA sample from VILLANUEVA, via buccal swab, to compare with any DNA that is found on the evidence seized in this matter.

33. The affidavit has been reviewed by AUSA Maria Elena Stiteler.

Respectfully submitted,



Jean-Lucien Souvenir
U.S. Postal Inspector

Subscribed and sworn telephonically and signed electronically on May 8, 2024



HONORABLE LAURA FASHING
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

PERSON TO BE SEARCHED

Patricia VILLANUEVA, aka Patricia MEEKS, was born on January 27, 1981.

VILLANUEVA has a Social Security number ending in 1808. She currently resides, or did reside, at 1500 S K Avenue, Portales, NM 88130. VILLANUEVA is approximately 5'1", weighs 126 pounds, has black hair and brown eyes.

VILLANUEVA is pictured below:



ATTACHMENT B

PROPERTY TO BE SEIZED BY THE GOVERNMENT

The following material, which constitutes evidence of the commission of a criminal offense, namely violations of 18 U.S.C. § 844(i), Arson.

1. Affiant will use minimally invasive DNA buccal swabs to collect samples of DNA from PATRICIA VILLANUEVA.